

Kay Burningham (#4201)
kay@kayburningham.com
Kay Burningham, Attorney at Law
299 South Main Street, Suite
#1375 Salt Lake City, Utah 84111
Phone: 1.888.234.3706

*Attorney for Plaintiffs Laura A. Gaddy,
Lyle D. Small and Leanne R. Harris*

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH**

**LAURA A. GADDY, LYLE D.
SMALL, LEANNE R. HARRIS,**
individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

**[The] CORPORATION OF THE
PRESIDENT OF THE CHURCH OF
JESUS CHRIST OF LATTER-DAY
SAINTS,** a Utah corporation sole
and DOES 1-50

Defendant

**REPLY TO OPPOSITION TO
PLAINTIFF'S EX PARTE MOTION FOR
LEAVE TO FILE OVERLENGTH
MEMORANDUM IN OPPOSITION TO
MOTION TO DISMISS THE SECOND
AMENDED COMPLAINT, OR IN THE
ALTERNATIVE, MOTION TO STRIKE**

2:19-cv-00554-RJS-DBP

Chief Judge: Robert J. Shelby

Magistrate Judge: Dustin B. Pead

Plaintiffs apologize to Court and Defense Counsel for the procedural oversight in submitting the proposed Order prior to review by Defense Counsel per 54-1(b).

However, Plaintiffs respond that the opposition arguments would not be the same as claimed by Defendant because the Second Amended Complaint is different from the [First] Amended Complaint. It has a new cause of action, differently pleaded first cause

of action, and the tithing use claims are now pleaded in the alternative for most of the claims. Furthermore, the law now to be applied to the claims in the Second Amended Complaint 2AC has changed from an application of the Lemon test to “an examination of the particular issue at hand,” and looking to “history for guidance as to the correct application of the Establishment Clause” under an “overarching set of principles and explain how those principles should be applied.

Williams v. Kingdom Hall of Jehovah's Witnesses, 2021 UT 18, ¶¶ 27-28, 491 P.3d 852, 859.

Respectfully,

DATED this 2nd day of December, 2021.

Kay Burningham, Attorney at Law

/s/ Kay Burningham

Kay Burningham

*Attorney for Laura A. Gaddy, Lyle D.
Small and Leanne R. Harris*
